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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 TONY NIVONGSO,

15 Defendant.

Case No. 2:19-cr-00323-RFB-NJK

**STIPULATION to Continue Reply**  
**Deadline to Government's Response to**  
**Motion to Suppress (ECF NO. 29)**  
(First Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between  
18 Nicholas A. Trutanich, United States Attorney, and Brian Y. Whang, Assistant United States  
19 Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public  
20 Defender, and Raquel Lazo, Assistant Federal Public Defender, counsel for Tony Nivongso,  
21 that the reply deadlines to the Government's Response (ECF No. 29) to Defendant's Motion to  
22 Suppress (ECF No. 24) currently due August 20, 2020, be vacated and set to September 3, 2020.

23 This Stipulation is entered into for the following reasons:

24 1. Mr. Nivongso has filed a motion to suppress. ECF No. 24. Additional time is  
25 needed in order for the motion to be fully briefed and for an evidentiary hearing to be scheduled  
26 and conducted. Thereafter, this Court will require time to rule on the motion.

2. The defendant is incarcerated and does not object to the continuance.

1           3.       The parties agree to the continuance.

2           4.       The additional time requested herein is not sought for purposes of delay, but  
3 merely to allow counsel for defendant sufficient time within which to be able to effectively  
4 prepare the replies.

5           5.       Additionally, denial of this request for continuance could result in a miscarriage  
6 of justice.

7           This is the first request to continue the reply deadline filed herein.

8           DATED this 17th day of August 2020.

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10          RENE L. VALLADARES  
11          Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

12          /s/ *Raquel Lazo*  
13          By \_\_\_\_\_  
14          RAQUEL LAZO  
15          Assistant Federal Public Defender

/s/ *Brian Y. Whang*  
By \_\_\_\_\_  
BRIAN Y. WHANG  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY NIVONGSO,

Defendant.

Case No. 2:19-cr-00323-RFB-NJK

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Mr. Nivongso has filed a motion to suppress. ECF No. 24. Additional time is needed in order for the motion to be fully briefed and for an evidentiary hearing to be scheduled and conducted. Thereafter, this Court will require time to rule on the motion.

2. The defendant is incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively prepare the replies.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 TONY NIVONGSO,

7 Defendant.

Case No. 2:19-cr-00323-RFB-NJK

ORDER

8  
9 **ORDER**

10 IT IS THEREFORE ORDERED that defense counsel's reply to the Government's  
11 Response (ECF No. 29) to Defendant's Motion to Suppress (ECF No. 24) currently due on  
12 August 20, 2020, is vacated and continued to September 3, 2020.

13 DATED this 17th day of August 2020.

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17 RICHARD F. BOULWARE, II  
18 UNITED STATES DISTRICT JUDGE  
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